

G R S App F IX 4]

1947 - 48

File No 93-47

Previous References

Serial 23-46 (48-50) (2nd)

Serial Nos 16, 17

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos

Two

Part B for

July 1947

SUBJECT

Acquisition of certain properties.

Hasi Visweswara Temple Street

Chickpet 12 aungal or more
for extending the present market

2877 & 237 with 1/2 acre
to be
to

The temple

Notifies the withdrawal
of the

for

From the Deputy Commr Bangalore Dist
A3, 894/47-48 dated 8-12-47

states that the Special Land Acquisition Officer attached to the Bangalore City Municipality has proposed an award of Rs 20,819- for the acquisition of door nos 37, 37/1, 38, 39 & 40 of the Kasivisweswarappa Temple Street, Chickpet, Bangalore city and requests orders of Govt to modify the award to Rs 32,391-10-8 based on the rental valuation of the buildings inclusive of the statutory allowance

Part A'

1) On 20-10-47 No L 10285-58 / M 23-46-47- dated 20-1-47 - sanction was accorded to the acquisition of properties bearing door nos 37-40 in the Kasivisweswarappa Temple Street - III Division Bangalore city required for extending the present Maternity Home

2) The Special Land Acquisition Officer has, in consultation with the Municipal Commissioner, Bangalore city, regarding providing rates both for the land area as well as the building portion, written up a draft award for Rs 20,819

3) As the award amount in the present case exceeds Rs 10,000, the Special Land Acquisition Officer has sought the orders of the Deputy Commr - Bangalore District.

4) The Deputy Commr Bangalore Dist in favour of enhancing the award

amount to Rs 32,391-10-8, which is based on the rental valuation of the buildings, excluding the rental value of the unauthorised structure

5 This would be in excess of the proposed award amount by Rs 11572-10-8

6 The Deputy Commr Barabare D is of the opinion that if the award is not made on the rental value of the building, the order may not stand on appeal by the party. He has therefore sought orders of Govt in the matter

7 It is seen from the records that the ^{owner of the} ~~to be~~ ~~has~~ has claimed a compensation of Rs 102,600.

8) Reference is invited to the Municipal Commissioners letter dated 4-12-46 estimating the cost of acquisition at about Rs 20,000.

The file will be sent on to the Municipal Commr Barabare etc. for further remarks

(log M)

27/12/47 ²³⁻¹²⁻⁴⁷ It is seen from the D's report that the case is full of complications. For one thing, the A officer has not awarded compensation for the unauthorised portion said to have been built after the acquisition proceedings were set on foot. Whether this action would be in order or not cannot

be settled with ease for consideration of the party's appeal

Again there is a difference of
opinion between the Municipal authorities
& the D.C. Planning Dept. in regard to
the basis of calculation of the Compensation
amount for purposes of award while the
L.A.O. has passed the award on the
basis of the valuation of the land as
by the Revenue Officer. & of the ^{built} ~~built~~
portion at the rate valued by the Engineer
Officer. The D.C. considers that the
proper basis in such cases for calculating
the award amount would be on the rental
value of the properties in question
the award amount as passed by the L.A.O.
which would come up to Rs 20,819/-
inclusive of the statutory allowance
The D.C. valuation would come up to
Rs 32,391/10/8 or Rs 11,572/10/8
more than that if the former which
of these would be correct is a matter
for consideration

1) Further, the party has claimed a
Compensation of Rs 10,26,000 whereas
large disparity between the several amounts
claimed by the party, the amount awarded
by the L.A.O. and the amount proposed
by the D.C. Planning Dept. It is

3260/mt likely that the party would be in accord
also, having regard to the location of the
property in an important place
the location is whether the

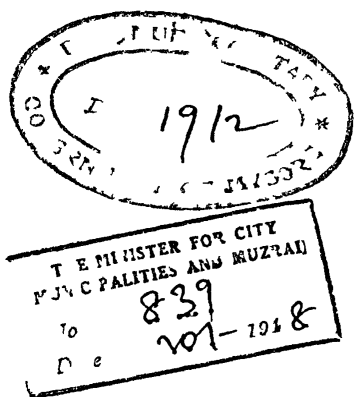
1) The point for consideration is whether, having regard to the above facts, it is necessary to acquire the properties at such a heavy cost as to deprive the hospitals of the income or the use of the same.

asked me about the
by private gentlemen like Mr. Dasgupta or Mr.
of the Krishnaya Self are camp up in the
the result is that
the up of the Self-Home

of the pressure on the Making-Home
the pressure on the simple sheet would be
in the Kosiskoson & even if cases
are not believed they can be
checked in the number, they can be
referred to the various hospitals near by
these facts are enough to
show a heavy cost of living

new in the
 referred to the various
 on new of these facts, an enquiry may
 perhaps be made of such a heavy cost
 should be in current at all out of all funds
 for the sake of the above projects
 of letter is also perhaps possible or
 other orders new self 1871/1872

12) Further particulars as suggested above may perhaps be called for. The draft Pub Insp will be done after perusal of minutes C-Inds & Accy.)



6714
 14) Issue notice ³²⁶⁰ _{ml}
 for
 17/2/48

20 FEB 1948

To The Municipal Council
 13714 d 25-2-48
 calls for further opinion

Sms A)
 12/5

From the Municipal Council Bangalore
 d/c 315 dated 4-5-48

States that the City Municipal Council
 has, at its meeting dated 3-4-48 - resolved
 that the acquisition proceedings in respect of

door No 37 to 44- Kasivisweswara Temple
 Street - III Division - Bangalore - Gov
 extending the Maternity Home
 The sentence
 is incomplete
 please complete
 12/5

15) A draft notification withdrawing the
 acquisition of the above properties, is put up

THE MINISTER FOR CITY
 MUNICIPALITY AND RAZAN
 No 2439
 Date 17-5-1948

1160/15/5 11/5/48
 1000 12/5

may be appd - refer
 paras 9 to 13 supra

11/5/48
 (M.S. & Muz)

new seg 2
 may be appd
 17/5 17/5/48 14/5/48
 19/7

ML6714

J. M. F. n

L 877

Dr 2-3-4. 4/4

1977

in

the computer m'g.

Notifies the withdrawal of the acquisition
in question.

B

1/2

9 Mar

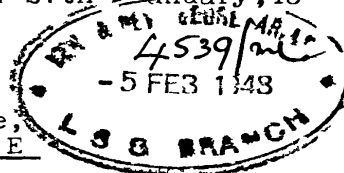
Pr

A3 894/47-48

Office of the Deputy Commissioner,
Bangalore District,
Bangalore, Dated 27th January, 48

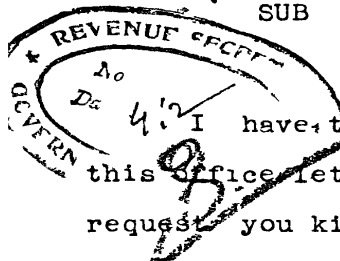
3260
20/1

To
The Secretary to Government,
Law Department, in Mysore,
BANGALORE



Sir,

SUB Acquisition of Door Nos 37,38,39 etc of
Kasiviseswara Temple, street, Chickpet,
Bangalore city



I have the honour to invite your kind reference to
this office letter of even number dated 11/12/47 and to
request you kindly to obtain early order of Government

A Copy of letter dated 22nd December, 47 received
from the Special Land Acquisition officer, through the
Municipal Commissioner, is enclosed for perusal in this
connection

I have the honour to be,
Sir,
Your most obedient servant,

FOR DEPUTY COMMISSIONER
BANGALORE DISTRICT

19

MsC127-1

13/1

Sus AD
in

Minute for T
revised for
18/2/48
8/14/2

Copy of the letter No. L A 110/46-47 dated 22nd December, 47 from the Special L.A.D. Acquisition Officer, Bangalore City Municipality, to the Deputy Commissioner, Bangalore, District, Bangalore

Acquisition of Door No. 37 to 44 Kasivisweswara temple street, IIIrd division, Bangalore City for extending the present maternity home

With reference to your Memo No dated 9/12/47 forwarding a copy of letter No. 13 224/47-48 dated 9/12/47 addressed to the Secretary to Government, I have the honour to submit that the district Judge, Bangalore in L.A. No. 119/45-46 has awarded compensation on the 20 years rental value as held in 19 Allshabad Law Journal page 672

So if the compensation has to be awarded on rental basis, in this case it is desirable to calculate the amount on the basis of 20 years rental value instead of 162/3 years, as incorporated in para 6 of your letter addressed to Government

"COPY"

Handwritten signature
Dy Commissioner
Bangalore

Handwritten notes:
noted
L.A. 110/46-47

The connected file has been submitted
to the Minister for City Municipalities on
20-1-48, (with Dy No 3260)

It will be placed in the
connected main file after
it receipt from the
Minister for C & M & Myn

new day for
18/2/48

8/14/2 F. M. M. M.

11/2/48 Br 11/2/48

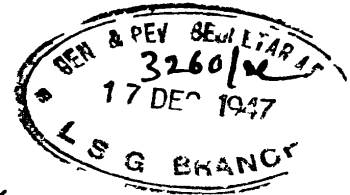
7460
13/1

Sms AD

(1)

To

S Kanakarathnaraj Esq, B A B L,
The Law-Secretary
to The Government of Mysore,
BANGALORE



Sir,

forwarding herewith the records relating to the acquisition of Door Nos 37, 37/1, 38, 39, 40, 41, 42, 43, and 44 of Mesivishwathra Temple Street, Chikpet, Bangalore City for extending the present Maternity Home, I have the honour to state, that the Special Land Acquisition Officer, Bangalore City, Municipality has sent his proposed Award for my approval through the Municipal Commissioner as the proposed Award exceeds Rs 10,000/-

The Special Land Acquisition Officer states in his proposed Award that he has awarded no compensation for the unauthorised constructions done by the Awardee and that the party was fined for this unauthorised act. As the unauthorised construction took place after the publication of the preliminary notification no compensation is due to this. The owner has claimed a compensation of Rs 1,03,600/- The Special L A O has allowed compensation at Rs 20/- per sq yard for the land and at the rate valued by the Municipal Engineer for the built portion and has proposed his award for Rs 20,819/- inclusive of the statutory allowance.

It is seen from the records that the properties to be acquired are all rent fetching buildings and the total annual rental value of all the buildings works up to Rs 3,290/- per annum. The rental value of the building or properties are generally adopted for determining the compensation. The annual rent after making deductions for repairs, taxes etc for a period of 16 2/3 years and also 15 per cent towards the statutory allowance for the compulsory acquisition is a fair amount of compensation to be awarded. The rental value of the building is Rs 3,290/- The rental value for the non-authorized structure may be taken at Rs 1,600/- Adopting the basis of the rental value of the building excluding the rental value of unauthorised structure, the award amount works out Rs 32,391-10-8 inclusive of the statutory allowances. This amount will be in excess of the proposed award amount by Rs 11,572-10-8.

The Spl L A O reports that he was instructed by the Municipal Commissioner to adopt the Revenue Officer's Mahazar valuation for the land area and for the building at the rate valued by the Municipal Engineer for his award.

If the award is not made on the rental valuation of the buildings, the order may not stand on appeal by the party. I solicit instructions of Government in the matter.

I request that order of Government may be kindly obtained in the matter and communicated for taking further action.

The entire records are enclosed.

I have the honour to be,
Sir,
Your most obedient Servant,

Deputy Commissioner,
Bangalore District

20/12/47

L. 13914/12
25/2/48
The Municipal Commissioner
Bangalore City

Surg Acquisition of above nos 37 to 44 -

Kasi Visweswara Temple Street - III Division -

Bangalore City for extending the present

Maternal Home

In inviting reference to go no d to 255-88

M 23-46-48 dated 20-1-47 sanctioning the
acquisition of the above properties, I am directed

1st 4th / to forward herewith a copy of letter no A 3 894
dated 9-12-47 received from the Deputy Commr
Bangalore Dist. on the above subject. It is
seen from the records that the party has claimed a
compensation of Rs 10,2600 and that there is a
large disparity between the several ^{or compensation} amounts claimed
by the party, the amount awarded by the Special
Land Acquisition Officers, Bangalore City and the
amount of proposed by the Deputy Commr.

Bangalore District - Having regard to the location of
and the large disparity in the amount of the
the property in an important place ^{compensation proposed to be awarded} it is also possible that
the party might go in appeal

In these circumstances, I am to enquire if
such a heavy cost should be incurred at all
out of municipal funds for the acquisition of the
above properties, especially when Maternity Homes or
Hospitals endowed by private gentlemen like Mr.
Dasappa or Mr. P. Krishnachetty are coming up
in other parts of the city which would relieve the
pressure on this particular Maternity Home even if
along, many cases would be received in this institution, they may as well
the records accompany for reference ^{referred to the various} ^{for the} ^{be}

By Mr. Muddan | Transmission along with your report

I have

Revenue Secy to Govt
25/2/48
Memo no L. 13915
Copy to the Secy. for
information
for
for new set of

BANGALORE CITY MUNICIPALITY



No Ll.C.315/45-46

MUNICIPAL OFFICE
BANGALORE CITY

Encl 1 resolution copy
1 withdrawal notification.
FROM

Dated 4th May 1948

ml 93-47-16

SAFI DARASHAH, Esq., B.A.,

MUNICIPAL COMMISSIONER,
BANGALORE CITY

To, RE
6/5
10/10/48

Syed Abdul Aleem, Esq., B.A.,
Secretary to Government of Mysore,
Revenue Department,
BANGALORE CITY.

SIR,

Subject - Acquisition of Door No's 37 to 44, Kasivisweswara Temple Street, III division, Bangalore City, for extending the present Maternity Home.

With reference to your letter No.L.15914/R dated 25th February 1948 enquiring if such a heavy cost should be incurred out of Municipal funds for the acquisition of the above properties for extending the Maternity Home, especially when Maternity Homes or Hospitals endowed by private gentlemen are coming up in other parts of the City, I have the honour to state that the matter was placed before the Municipal Council at their meeting held on 3-4-1948 for reconsideration, where and it was resolved that the acquisition proceedings may be dropped in the circumstances pointed out in your letter under advertance. A copy of the said resolution is herein enclosed for favour of information.

I therefore request that orders of Government may kindly be obtained to drop the acquisition proceedings in this case and also necessary arrangements be made for withdrawing the enclosed notifications in the Gazette under Section 48 (1) Land Acquisition Act.

I have the honour to be,
Sir,
Your most obedient servant,

Forwarded with compliments

Honorary President.

Municipal Commissioner.

TNL/-

5.5.48

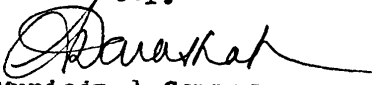
Proceedings of the meeting of the council dated 3-4-1948

- 19 Letter No L.13914/R dated 25-2-1948 from the Revenue Secretary to Government enquiring if door Nos 37 to 40 Kasivisweswara Temple Street has to be acquired at all for extending the present Maternity Home in view of the large disparity in the amount of compensation to be awarded and the relief afforded by the Maternity Homes under construction in other parts of the City

RESOLUTION - Need not be acquired and the acquisition proceedings be dropped.

Sd/- K Shamraja Iyengar,
Honorary President

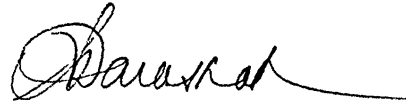
"Copy"


Municipal Commissioner.



WITHDRAWAL NOTIFICATION

Under Section 48 (1) of the Mysore Land Acquisition Act 1894 as amended from time to time, it is proposed to withdraw the acquisition of door No's 37 to 40, Kasivisweswara Temple Street, III division, Bangalore City, for extending the present Maternity Home, as published in notification No L.10285-89 Ml.23-46-49 dated 20th January 1947, as no longer they are required for the intended purpose.



Municipal Commissioner.

20

4 copies

L 877 / ML 93-47-17
Notification
23-7-48

under Section 48(C) of the Mysore Land

Acquisition Act, 1894, as amended from time to time,

The Government are pleased to withdraw the
the proposals bearing

acquisition of / door nos 37 to 40 - Kas. Visweswara

temple temple Street, III Division - Bangalore city

for extending the present Maternity Home, as

sanctioned in notification no L 10259
L 285-89 d 20-1-194

They AD

as they are ^{found to be} not required for the purpose
originally intended

13-0
for 17/5
for Revenue Secy

The Compiler - Mysore Gazette - for
publication in para III of the Gazette
and supply of 25 copies to the Municipal
for Bangalore city.

Mem no 878

copy was to the Municipal
Bangalore city (through the President)
for information with

reference to his letter no. L.C. 315/48-46
dated 4-5-48

L 879.

Copy sent to the Deputy Commr.

Panvel District. For information

Bo
for
In Charge

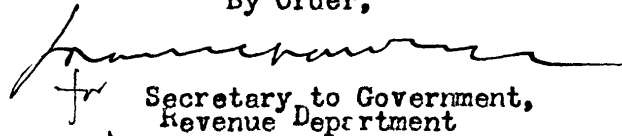
GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No *L 877/mk 33-47-17* General and Revenue Secretariat
Dated, Bangalore, *23-7* 1948

NOTIFICATION

Under Section 48(1) of the Mysore Land Acquisition Act, 1894, as amended from time to time, the Government are pleased to withdraw the acquisition of the properties bearing door Nos 37 to 40, Kasivisweswara temple street, III Division, Bangalore City, for extending the present Maternity Home as sanctioned in Notification No L 10289/M1 23-46-49 dated 20th January 1947, as they are said to be not required for the purpose originally intended

By Order,


for Secretary to Government,
Revenue Department

To

for
The Compiler, Mysore Gazette, for publication
in Part III-1 of the Gazette and supply of
25 copies to the Municipal Commissioner,
Bangalore City

of